

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Ex parte CAMPBELL ROGERS,
ELAZER R. EDELMAN, and
DANIEL I. SIMON

Application No. 08/823,999

MAILED

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U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on August 30, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

We were unable to locate a copy of the following references relied on by the examiner on pages 4-6 of the Examiner's Answer mailed December 9, 2004:

- (1) Altieri et al., J. Biol. Chem. 268: 1847-1853 (1993)
- (2) Anderson, Disease-a-Month 39(9): 617-670 (1993)

- (3) Bendeck et al., *J. Vasc. Res.* 38: 590-599 (2001)
- (4) Dangas et al., *Am Heart J.* 132: 428-436 (1996)
- (5) Diamond et al., *J. Cell. Biol.* 130: 1473-1482 (1995)
- (6) Fattori et al., *Lancet* 361: 247-249 (2003)
- (7) Faxon et al., *J. Am Coll Cardiol* 40: 1199-1204 (2002)
- (8) Hemker et al., *Emerging Drugs* 4: 175-195 (1999)
- (9) Ikeda et al., *Am Heart J.* 128: 1091-1098 (1994)
- (10) Inoue et al., *JACC* 28: 1127-1133 (1996)
- (11) Kling et al., *Circulation Research* 77: 112-128 (1995)
- (12) Kling, *Arteriosclerosis and Thrombosis* 12: 997-1007 (1992)
- (13) Kuntz, *Science* 257: 1078-1031 (1992)
- (14) Mazzone et al., *Circulation* 88: 358-363 (1993)
- (15) Pimanda et al., *Curr. Drug Targets Cardiovas, Haematol. Disord* 3(2): 101-123 (2003)
- (16) Rogers et al., *Circulation* 88: 1215-1221 (1993)
- (17) Schwarz et al., *Thrombosis Research* 107: 121-128 (2002)
- (18) Welt et al., *Arterioscler Thromb Vasc Biol* 22: 1769-1776 (2002)
- (19) Wu et al., *Thrombosis Research* 101: 127-138 (2001)
- (20) Rogers et al., *Circulation* 100 (Supp 1)(No. 18): #1742, 11/2/99 (Exhibit)
- (21) Taber's Cyclopedic Medical Dictionary, 18th Ed., pages 130, 1666 and 1828 (1997)

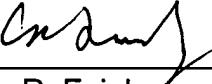
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Accordingly, it is

ORDERED that the application is returned to the Examiner to

- locate the missing references;
- have complete copies scanned into the IFW file; and
- for such further action as may be appropriate.

**BOARD OF PATENT APPEALS
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